

Message Text

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TO SECSTATE WASHDC PRIORITY 9106

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E.O. 11652: N/A

TAGS: CASC, IT

SUBJ: MICHAEL CHINIGO ESTATE

REF: STATE 116483; DEPT A-1413, MARCH 10, 1976

1. THE ONLY KNOWLEDGE OF ESTATE DEVELOPMENTS WHICH HAS COME TO OUR ATTENTION IS A COPY OF A LETTER DATED DECEMBER 3, 1975 FROM HATCH & BAKER, LAWYERS, OF CHAMPAIGN, ILLINOIS, TO MR. PETER ALEGI OF BAKER & MCKENZIE, OF ROME, WHICH READS AS FOLLOWS:

QUOTE:

I NEED APPROPRIATE ITALIAN CITATIONS FOR THE PROPOSITION THAT ITALY WILL APPLY THE UNITED STATES LAW WITHOUT RENVOI IN THE CHINIGO ESTATE.

THE UNITED STATES ATTORNEY HAS SOME HAREBRAINED IDEA THAT THE ITALIAN GOVERNMENT WILL HAND OVER THE CHINIGO PROPERTIES TO THE UNITES STATES 'AS A MATTER OF STATE' WHATEVER THAT MEANS. I FIND IT AMUSING TO ENTERTAIN THE IDEA THAT THE ITALIAN GOVERNMENT WILL RUSH TO HAND OVER CHINIGO'S VILLA TO THE UNITED STATES. WHY SHOULD IT?

WE ARE IN THE PROCESS OF TRANSFERRING FUNDS TO ITALY TO PAY THE CLAIMS. HOWEVER, YOU MAY NOT PAY CLAIMS UNTIL JANUARY 10, 1976. THE COURT GRANTED THE EXECUTOR AUTHORITY TO PAY THE CLAIMS ON JANUARY 10, 1076 UNLESS THE UNITED STATES COULD SHOW BY THAT DATE THAT THE CLAIMS WERE SPURIOUS AND WITHOUT VALIDITY. I HOPE
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THAT WE HAVE NOT WAITED TOO LONG. PERHAPS YOU COULD TELL ALL

THE CREDITORS THAT PAY DAY WILL BE JANUARY 10.

THE UNITED STATES ATTORNEY ALSO THINKS THAT IF WE ARE FORCED INTO LITIGATION OF THE CLAIMS IN ITALY THAT THE UNITED STATES WOULD BE A NECESSARY PARTY IN THE ITALIAN COURTS. THE UNITED STATES ATTORNEY, A YOUNG MAN FULL OF CHILDLIKE FAITH AND SIMPLICITY, BELIEVES THAT THE ITALIAN COURTS WOULD AUTOMATICALLY DECIDE IN FAVOR OF THE UNITED STATES. I CAN'T THINK OF A SURER WAY TO LOOSE MYSELF THAN TO HAVE THE UNITED STATES A DEFENDENT IN ANY EUROPEAN COURT.

ALL PROCEEDINGS HAVE BEEN CONTINUED IN THE ESTATE UNTIL JANUARY 20, 1976, AT WHICH TIME TH COURT WILL RULE ON WHETHER WE WILL SELL THE VILLA AND LIQUIDATE THE ESTATE. BY THAT TIME THE JUSTICE DEPARTMENT SUPPOSEDLY WILL BE IN THE POSITION TO SEE WHETHER THEY HAVE WORKED OUT AN ARRANGEMENT WITH THE ITALIAN GOVERNMENT. I FEEL THAT THE ENTRY OF THE UNITED STATES GOVERNMENT INTO MATTERS IN ITALY WILL REALLY JEOPARDIZE ANY CHANCE OF A HAPPY CONCLUSION. AT LEAST I GOT YOUR FEES PAID UP TO DATE.

VERY TRULY YOUR, HARCH & BAKER (SIGNED) BY HAROLD A. BAKER.

END QUOTE

2. WE HAVE CAREFULLY CONSIDERED THE PROS AND CONS OF THE VILLA TORRE DI AVITA WHICH MR. CHINIGO SO THOUGHTFULLY INDICATED A DESIRE TO BEQUETH TO THE U.S. GOVERNMENT AS A STUDY CENTER TO ENHANCE RELATIONSHIPS BETWEEN GOVERNMENT AND THE NEWS MEDIA.

3. WHILE THERE IS MUCH WE DO NOT KNOW ABOUT THIS PROPOSAL -- FOR INSTANCE, THE SPECIFICS OF THE VILLA ITSELF, AND ITS CONDITION -- OUR FEELING IS THAT IT WOULD BE DIFFICULT TO ACCEPT THE VILLA UNDER THOSE CIRCUMSTANCES UNLESS THERE WERE AN ADDITIONAL ARRANGEMENT FOR MAINTENANCE AND STAFFING. LOCATED AS IT IS ON THE GULF OF SALERNO, AT SOME DISTANCE FROM CONGEN NAPLES, SUCH A MEETING PLACE COULD CONCEIVABLY BE USED OCCASIONALLY BY USIS IN OUR COUNTRY-WIDE PROGRAMMING AND SEMINARS, BUT CONSIDERING THE LIMITATIONS OF OUR FORESEEABLE BUDGET AND PERSONNEL RESOURCES, IT COULD NOT BE USED WITH LIMITED OFFICIAL USE

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SUFFICIENT FREQUENCY TO MERIT ITS FULL-TIME STAFFING AND MAINTENANCE BY THE U.S. GOVERNMENT.

4. ACCORDINGLY, WE WOULD SUGGEST THAT THE PROPER AUTHORITIES BE INFORMED THAT WE ARE DEEPLY APPRECIATIVE OF MR. CHINIGO'S SENTIMENTS AND DESIRES IN MAKING THIS OFFER, BUT THAT FOR REASONS INDICATED ABOVE FIND IT DIFFICULT TO ACCEPT IN THE SPIRIT IN WHICH THE OFFER WAS MADE. VOLPE

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